

Translation

PATENT COOPERATION TREATY

PCT/JP2003/015047



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PCT031121-1	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/JP2003/015047	International filing date (day/month/year) 25 November 2003 (25.11.2003)	Priority date (day/month/year) 29 November 2002 (29.11.2002)
International Patent Classification (IPC) or national classification and IPC B65D 41/62		
Applicant ONODA, Shigeyoshi		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.  <input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).  These annexes consist of a total of <u>          </u> sheets.
3. This report contains indications relating to the following items:  I <input checked="" type="checkbox"/> Basis of the report  II <input type="checkbox"/> Priority  III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  IV <input type="checkbox"/> Lack of unity of invention  V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement  VI <input type="checkbox"/> Certain documents cited  VII <input type="checkbox"/> Certain defects in the international application  VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 12 December 2003 (12.12.2003)	Date of completion of this report 09 July 2004 (09.07.2004)
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP2003/015047

## I. Basis of the report

### 1. With regard to the elements of the international application:\*

- ☒ the international application as originally filed
- ☐ the description:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the claims:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, as amended (together with any statement under Article 19  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the drawings:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

### 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

### 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

### 4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

### 5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

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## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. Statement

Novelty (N)	Claims	1-15	YES
	Claims		NO
Inventive step (IS)	Claims	8-11	YES
	Claims	1-7, 12-15	NO
Industrial applicability (IA)	Claims	1-15	YES
	Claims		NO

### 2. Citations and explanations

Document 1: JP, 2000-109107, A (Oita Kikai Kogyo K.K.), 18 April, 2000 (18.04.00)

Document 2: CD-ROM of the specification and drawings first annexed to the written application of Japanese Utility Model Application No. 104586/1991 (Laid-open No. 46755/1993), (Santec Corp.), 22 June, 1993 (22.06.93)

Document 3: JP, 9-207956, A (Yugen Kaisha Aruko), 12 August, 1997 (12.08.97)

The subject matters of claims 1 and 2 do not appear to involve an inventive step in view of document 1 cited in the ISR. The seal face part made in a film-like form is merely a matter of design variation. The thickness of the seal face part and that in the periphery specified therein are merely suitable values suggested, and do not appear to involve an inventive step.

The subject matter of claim 3 does not appear to involve an inventive step in view of documents 1 and 2 cited in the ISR. Document 2 describes that at least a tongue-like piece projecting from the periphery edges is provided. Accordingly, combining such a means with the invention described in document 1 would be obvious to a person skilled in the art.

The subject matters of claims 4-7 do not appear to involve an inventive step in view of documents 1 and 3 cited in the ISR. Document 3 describes a close contact part to contact closely with the body of a container for canned beverages, and incorporating such a means into the periphery of the invented cap described in document 1 as an integrated part would be obvious to a person skilled in the art. The seal face part made in a film-like form is merely a matter of design variation. The thickness of the seal face part and that in the periphery specified therein are merely suitable values suggested, and do not appear to involve an inventive step.

The subject matters of claims 12 and 13 do not appear to involve an inventive step in view of documents 1 and 3 cited in the ISR. Document 3 describes a cover part to cover the lid and body of a container for canned beverages, and combining such a means with the invented container for canned beverages with the cap body attached therewith, described in document 1, would be obvious to a person skilled in the art. The seal face part made in a film-like form is merely a matter of design variation. The thickness of the seal face part and that in the periphery specified therein are merely suitable values suggested, and do not appear to involve an inventive step.

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**Supplemental Box**

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of : V.2

The subject matter of claim 14 does not appear to involve an inventive step in view of documents 1, 2 and 3 cited in the ISR. Document 2 describes that at least a tongue-like piece projecting from the periphery edges is provided. Accordingly, combining such a means with the invention described in document 1 would be obvious to a person skilled in the art.

The subject matter of claim 15 does not appear to involve an inventive step in view of documents 1, 2 and 3 cited in the ISR. Document 2 describes that at least a tongue-like piece projecting from the periphery edges is provided and document 3 describes that perforations are formed starting from a part of the edges of the cover in appropriate directions. Accordingly, combining such means with the invention described in document 1 would be obvious to a person skilled in the art, and the constitution wherein the tongue-like pieces are disposed in the proximity of the perforations in the combination is a matter of design variation.

The subject matter of claim 8 appears to be novel and to involve an inventive step in view of documents 1-3 cited in the ISR. The feature wherein "perforations (14) are formed in the boundary between the said periphery (12) and the said close contact part (13)" is not described in any of documents 1-3, nor obvious to a person skilled in the art. Because claims 9-11 cite claim 8, the subject matters of those claims also appear to be novel and to involve an inventive step in view of documents 1-3 cited in the ISR.